

# Guideline: Use of Information – Public Sector Agencies

## Purpose

To provide guidance and information about how the South Australian Productivity Commission (the Commission) handles, stores publishes and cites (where applicable) information received from Public Sector Agencies in relation to the performance of its functions.

## Scope

Formal submissions from a public sector agency may be made to the Commission on the authority of the agency's Minister or Chief Executive. Such submissions will be published on the Commission's website.

Agencies may also provide information to the Commission as correspondence or in other appropriate forms. Such information will not be published without the approval of the agency, although it may be cited in Commission reports at the Commission's sole discretion.

This Guideline does not apply to:

- information that is already available in the public domain.

## Guideline detail

### Mutual obligations

- *Premier and Cabinet Circular 046 – The South Australian Productivity Commission sets out how the Commission and Public Sector Agencies are to cooperate to support the Commission's functions, including in relation to the provision of information to the Commission:*

*Public sector agencies must cooperate with the Commission and the OSAPC by...unless prohibited by law, providing all relevant information (including but not limited to books, papers, surveys, reports, data and other documents and records) whether available in the public domain or not, that is in the possession of the agency, or can reasonably be obtained by the agency, when requested by the Commission in support of the performance of its functions...*

- The Circular provides for the following obligations on the Commission in its handling of Agency Information:

*The Commission and OSAPC will work in collaboration with public sector agencies to:*

*preserve the sensitivity of information provided by a public sector agency having regard to its principles of transparency and independence, and its obligation to publish reports arising from inquiries; and*

*to ensure the purpose and intent of the information provided by a public sector agency is understood by the Commission in the course of its work.*

## Provision of Sensitive or Classified Information to the Commission

- Where the Chief Executive (or delegate) of the Supplying Agency believes that information requested by the Commission from that Public Sector Agency contains content of a sensitive nature or that is classified, the Chief Executive (or delegate) should clearly advise the Chair of the Commission (or delegate) that is the case as soon as is practicable.
- The sensitivity or classification of the information requested by the Commission is not an automatic barrier to the provision of that information to the Commission.
- The Chair of the Commission (or delegate) will consult with the Chief Executive (or delegate) of the Supplying Agency regarding the information deemed to be sensitive or known to be classified in terms of:
  - the nature of the sensitivity or classification e.g. commercial, personal, medical, legal or other basis;
  - its relevance to the inquiry or review (i.e. “need to know”), or other function of the Commission to which the information pertains;
  - the Commission’s intended use of that information, including the potential to reference or otherwise refer to it, directly or indirectly, in the Commission’s published papers or reports, having regard to the inquiry, review or other function of the Commission to which the information pertains; and
  - how the Commission manages Agency Information, including Commission storage, access and handling arrangements.
- The Commission will not normally request Agency Information that is Security Classified in accordance with the Information Security Management Framework (i.e. classified as Protected or above).
- The Commission will not normally request Agency Information that is marked with Dissemination Limiting Markers (DLMs), other than material marked For Official Use Only or Sensitive: SA Cabinet.
- For Agency Information relevant to the Commission’s functions that is marked with the Sensitive DLMs of Personal, Medical, Legal or Commercial the Commission may request aggregated, de-identified or otherwise amended data or information enabling the relevant Agency Information to be remarked without those DLMs.
- Public Sector Agencies must ensure all Agency Information is appropriately marked in accordance with Information Asset Classification requirements before providing to the Commission.
- Where Agency Information is provided to the Commission, each document or record will:
  - be registered with the Commission (as part of normal Commission protocols for registration of all Agency Information received by the Commission) and identified as being sensitive or classified (where applicable);
  - stored, accessed and handled in accordance with its sensitivity; and
  - only be accessed by members of the Commission with an operational need to have access.

## Publication of Sensitive Agency Information

- The Commission will not publish or otherwise make available in the public domain, Agency Information recorded by the Commission as sensitive, unless express written permission has been provided to the Chair of the Commission (or delegate) by the Chief Executive (or delegate) of the Supplying Agency.
- The Commission will not publish information that is required under legislation to remain private.

## Information Protection

The OSAPC is a Public Sector Agency and accordingly is bound by all applicable records management, information privacy, information security, and freedom of information regulations, guidelines, policies and practices.

## Roles and responsibilities

Name of unit/team	Listed responsibilities
OSAPC	Ensure consistency with applicable records management, information privacy, information security, and freedom of information regulations, guidelines, policies and practices as amended from time to time.

## Related documents

- [Premier and Cabinet Circular 046 – the South Australian Productivity Commission](#)
- [Government of South Australia Information Privacy Principles Instruction](#)
- [Government of South Australia Protective Security Management Framework \(PSMF\)](#)
- [Government of South Australia Information Security Management Framework \(ISMF\)](#)
- [Office of the Australian Information Commissioner](#)
- [Privacy Amendment \(Notifiable Data Breaches\) Act 2017](#)
- [Government of South Australia Personal Information Data Breaches Guideline](#)

## Definitions

Term	Definition
Agency Information	means books, papers, surveys, reports, data and other documents and records in the possession of, or that can reasonably be obtained by, a Public Sector Agency.
Commission	means collectively the Chair of the South Australian Productivity Commission (SAPC), other Commissioners of the SAPC, the staff of the Office of the South Australian Productivity Commission (OSAPC), and consultants engaged by the OSAPC to assist the Commission in performing its functions.

Term	Definition
Public Sector Agency	has the same meaning as the <i>Public Sector Act 2009</i> .
Supplying Agency	means the Public Sector Agency that is in possession of, or can reasonably obtain, Agency Information that has been requested by the Commission.

## Acronyms

Acronym	Words
OSAPC	Office of the South Australian Productivity Commission

## DOCUMENT CONTROL:

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